

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL A. WESBECHER, No. CIV S-04-0807-FCD-CMK

Petitioner,

vs.

ORDER

DANIEL FOY,

Respondent.

_____/

Petitioner, is proceeding pro se and in forma pauperis in this petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254. On September 9, 2005, the court granted respondent's request to suspend briefing. The September 9, 2005, order also required petitioner to file a status report within 30 days. A review of the docket reflects that, on September 27, 2005, petitioner filed a notice of change of address. In the interest of justice, the court will direct that the September 9, 2005, order be re-served to petitioner at his new address. Petitioner will be granted additional time within which to submit a status report. Petitioner is warned that failure to comply with this order may result in the dismissal of this action for failure to prosecute and follow court orders and rules.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to re-serve the court's September 9,

3 | 2005, order on petitioner at his current address of record; and

4 2. Within 30 days of the date of service of this order, petitioner shall file a
5 status report, in writing, setting forth the status of the related state court matter, and also
6 informing the court whether petitioner desires to abandon any claims currently presented in his
7 federal habeas petition.

8 | DATED: October 19, 2005.

CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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